

REFERENCE TITLE: **contractors**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1251

Introduced by
Senator Paton

AN ACT

AMENDING SECTION 32-1158, ARIZONA REVISED STATUTES; RELATING TO CONTRACTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1158, Arizona Revised Statutes, is amended to
3 read:

4 32-1158. Minimum elements of a contract

5 A. From and after December 31, 1992 until December 31, 2007, any
6 contract in an amount of more than one thousand dollars and less than one
7 hundred fifty thousand dollars entered into between a contractor and the
8 owner of a property to be improved shall contain in writing at least the
9 following information:

10 1. The name of the contractor and the contractor's business address
11 and license number.

12 2. The name and mailing address of the owner and the jobsite address
13 or legal description.

14 3. The date the parties entered into the contract.

15 4. The estimated date of completion of all work to be performed under
16 the contract.

17 5. A description of the work to be performed under the contract.

18 6. The total dollar amount to be paid to the contractor by the owner
19 for all work to be performed under the contract, including all applicable
20 taxes.

21 7. The dollar amount of any advance deposit paid or scheduled to be
22 paid to the contractor by the owner.

23 8. The dollar amount of any progress payment and the stage of
24 construction at which the contractor will be entitled to collect progress
25 payments during the course of construction under the contract.

26 B. From and after December 31, 2007, any contract in an amount of more
27 than one thousand dollars entered into between a contractor and the owner of
28 a property to be improved shall contain in writing at least the following
29 information:

30 1. The name of the contractor and the contractor's business address
31 and license number.

32 2. The name and mailing address of the owner and the jobsite address
33 or legal description.

34 3. The date the parties entered into the contract.

35 4. The estimated date of completion of all work to be performed under
36 the contract.

37 5. A description of the work to be performed under the contract.

38 6. The total dollar amount to be paid to the contractor by the owner
39 for all work to be performed under the contract, including all applicable
40 taxes.

41 7. The dollar amount of any advance deposit paid or scheduled to be
42 paid to the contractor by the owner.

43 8. The dollar amount of any progress payment and the stage of
44 construction at which the contractor will be entitled to collect progress
45 payments during the course of construction under the contract.

1 9. That the property owner has the right to file a written complaint
2 with the registrar for an alleged violation of section 32-1154, subsection
3 A. The contract shall contain the registrar's telephone number and website
4 address and shall state that complaints must be made within the applicable
5 time period as set forth in section 32-1155, subsection A. The information
6 in this paragraph must be prominently displayed in the contract in **AT LEAST**
7 ten point bold type, and the contract shall be signed by the property owner
8 and the contractor or the contractor's designated representative. This
9 paragraph does not apply to a person who is subject to and complies with
10 section 12-1365.

11 C. At the time of signing a contract the owner shall be provided a
12 legible copy of all documents signed and a written and signed receipt for and
13 in the true amount of any cash paid to the contractor by the owner.

14 D. The requirements of this section shall not constitute prerequisites
15 to the formation or enforcement of a contract. Failure to comply with the
16 requirements of this section shall not constitute a defense by either party
17 to an action for compensation, damages, breach, enforcement or other cause of
18 action based on the contract.